

IN RE: PETITION FOR ADMINISTRATIVE \* BEFORE THE  
ZONING VARIANCE  
N/S Left Wing Drive, 183 ft. W \* ZONING COMMISSIONER  
of c/l Left Aileron  
40 Left Wing Drive \* OF BALTIMORE COUNTY  
15th Election District  
5th Councilmanic District \* Case No. 97-406-A  
Kenneth A. Tucker, Jr.  
Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Kenneth A. Tucker, Jr., for that property known as 40 Left Wing Drive in the Aero Acres subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 1.5 ft. for a carport, in lieu of the required 7.5 ft., in a D.R.5.5 zone. The subject property and requested relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

ORDER RECEIVED FOR FILING

Date

By

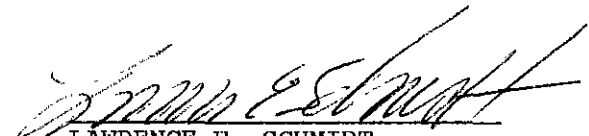
4/22/97  
Mr. Novak

upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of April 1997 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 1.5 ft. for a carport, in lieu of the required 7.5 ft., in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

LES:mmn



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

April 22, 1997

Mr. Kenneth A. Tucker, Jr.  
40 Left Wing Drive  
Baltimore, Maryland 21220

RE: Petition for Administrative Variance  
Case No. 97-406-A  
Property: 40 Left Wing Drive

Dear Mr. Tucker:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 40 LEFT WING DR.  
which is presently zoned DRS.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1; BC2R, TO

PERMIT A SIDEYARD SETBACK OF 1.5' FOR A CARPORT  
IN LIEU OF THE REQUIRED 7.5' (301.1A; BC2R).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- 1) Present driveway and patio are set back from property line 2 feet.
- 2) Driveway does not extend past back of house
- 3) Kitchen door is on side of house
- 4) Needed for protection of car and entrance to house from the elements

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_ day of \_\_\_\_\_ 19\_\_\_ that the subject matter of this petition be set for a public hearing advertised, as required by the Zoning Regulations of Baltimore County in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JLM

DATE: 3-20-97

ESTIMATED POSTING DATE: 3-30-97

Printed with Soybean Ink  
on Recycled Paper

ITEM #: 406

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

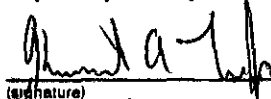
That the Affiant(s) does/do presently reside a.

40 Left Wing Drive  
address  
Balto MD 21220  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

- 1) Present driveway and patio are set back from property line 2 feet
- 2) Driveway does not extend past back of house
- 3) Kitchen door is on side of house.
- 4) Needed for protection of car and entrance to house from the elements

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.



(signature)

Kenneth A. Tucker, Jr.

(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18<sup>th</sup> day of MARCH, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kenneth A. TUCKER JR.

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3/18/97

date

Carol A. Reynolds CAROL A. Reynolds  
NOTARY PUBLIC

My Commission Expires:

12/5/97



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 406

Petitioner: Kenneth A. Tucker Jr.

Location: 40 Left Wing Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Kenneth A. Tucker Jr.

ADDRESS: 40 Left Wing Drive  
Balt, MD 21220

PHONE NUMBER: 410-780-3071

AJ:ggg

(Revised 09/24/96)

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than \* 3-30-97

Format for Sign Printing, Black Letters on a White Background:

## ZONING NOTICE

### ADMINISTRATIVE VARIANCE

Case No.: 97-406-A

TO PERMIT A SIDEYARD SETBACK OF 1.5'  
FOR A CARPORT IN LIEU OF THE  
REQUIRED 7.5'.

## PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING  
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS  
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

\*

4-14-97

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,  
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 28, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-406-A  
40 Left Wing Drive  
N/S Left Wing Drive, 183' W of c/l Left Aileron  
15th Election District - 5th Councilmanic  
Legal Owner(s): Kenneth A. Tucker, Jr.  
Post by Date: 3/30/97  
Closing Date: 4/14/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Kenneth A. Tucker, Jr.







Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 15, 1997

Mr. Kenneth A. Tucker, Jr.  
40 Left Wing Drive  
Baltimore, MD 21220

RE: Item No.: 406  
Case No.: 97-406-A  
Petitioner: Kenneth A. Tucker, Jr.

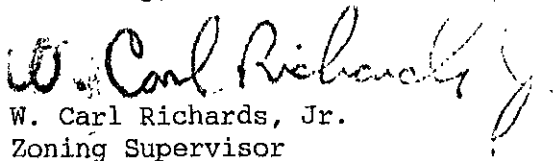
Dear Mr. Tucker:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 20, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

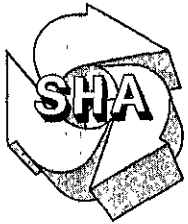
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 4. 1.97  
Item No. 406 JCM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: April 2, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 387, 396, 402, 404, 405, 406, 407, and 408

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Carol L. Kerns*


PK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: April 7, 1997

FROM:  Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for April 7, 1997  
Item Nos. 402, 403, 404, 405, 406, 407, 408 and 386

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE407.NOC

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/23/97

FROM: R. Bruce Seeley.  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: March 31, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

396	404
397	405
398	406
401	408
402	
403	

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

8  
(410) 887-4500

DATE: 10/07/96

Arnold Tablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 17, 1997

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

397, 402, 403, 404, 405, 406, 407, and 408

REVIEWER: LT. ROBERT F. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS. 1102F  
cc: File



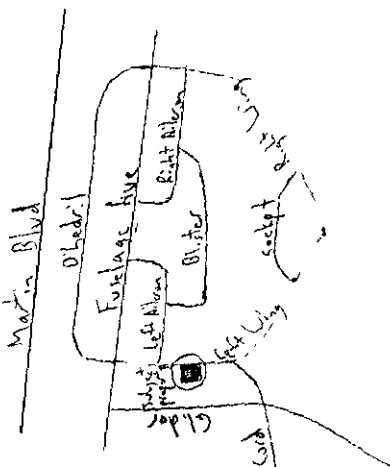
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 40 Lett Wing Drive  
Subdivision name: Acres 288

Subdivision name: Acres Acres 288  
 plat book# 13, folio# 139, lot# 228, section# I

plat book # 13, folio # 139, lot # 228, section # I

OWNER: Kenneth A. Tucker, Jr.



LOCATION INFORMATION

Electric District 15  
Communications District 5  
1-2nd floor made NE-4H  
Zoning OR 5.5  
Lot size: 110  
acreage  
square feet  
5000

**Duck**      **971-880**

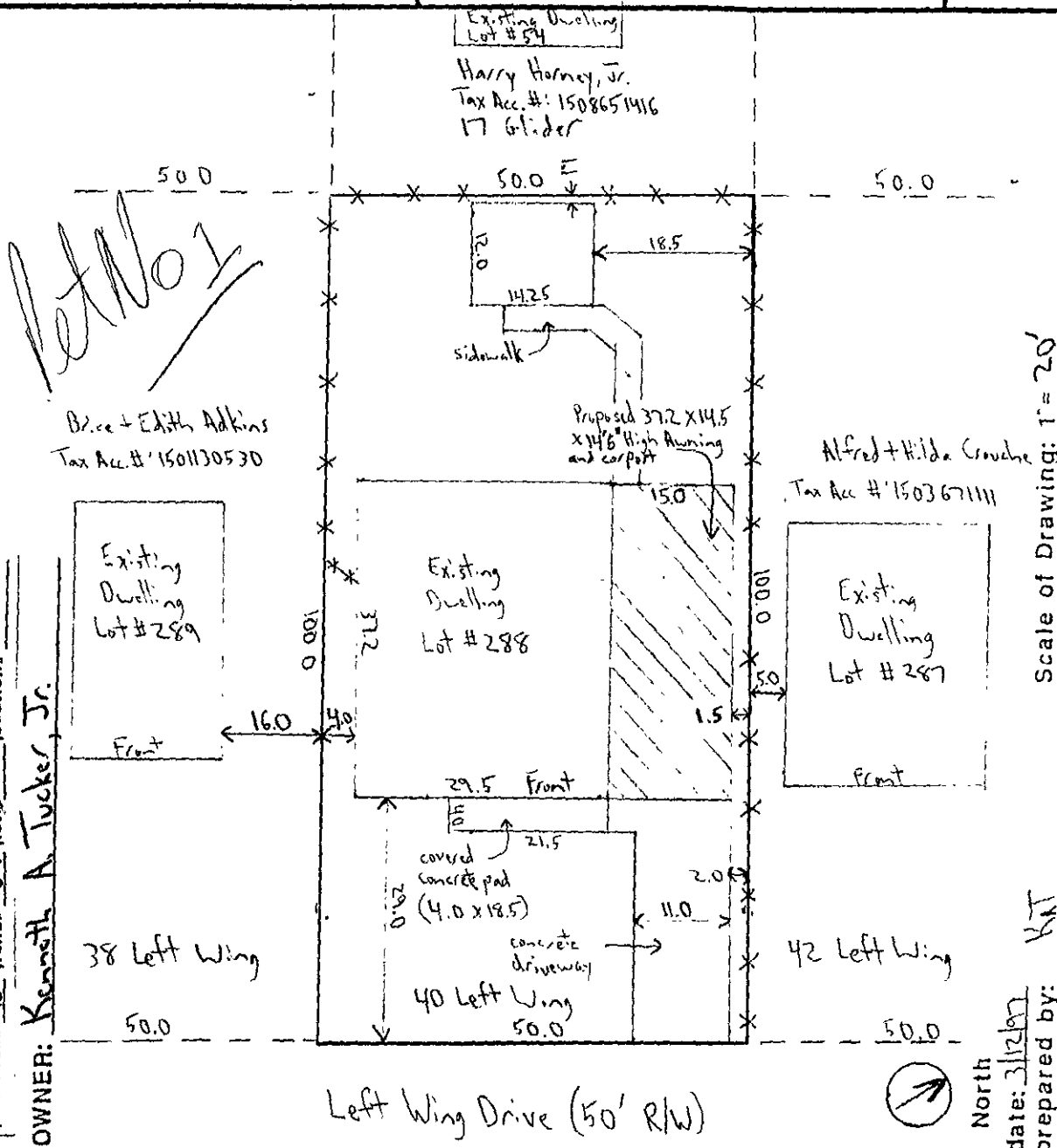
**SEWER:**    ☒    ☐

**WATER:**    ☒    ☐

**Chesapeake Bay Critical Area:**    ☐ yes    ☒ no

Zoning Office USE ONLY!

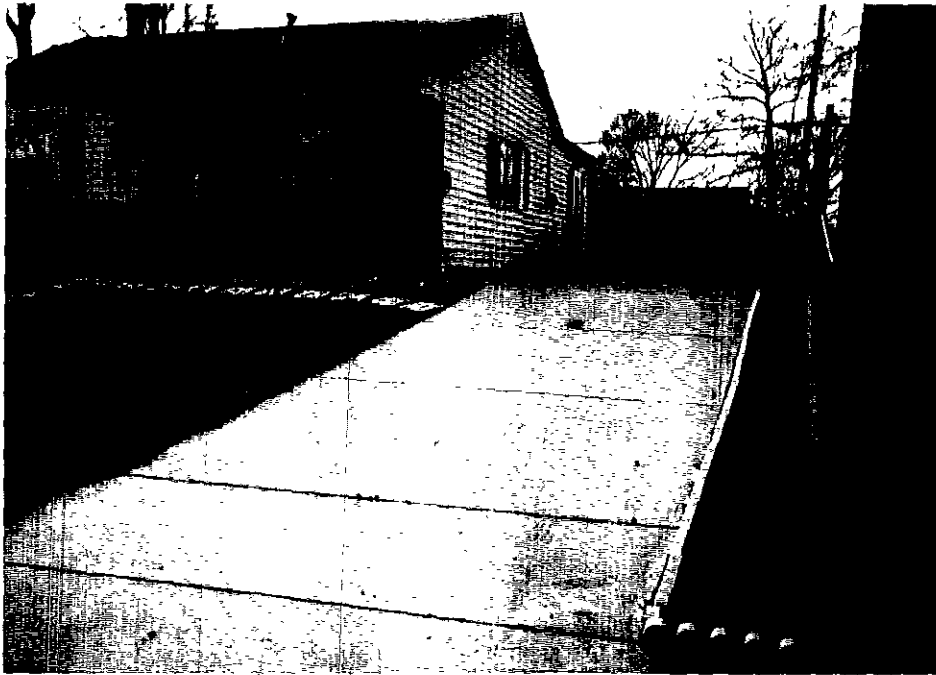
reviewed by: ITEM #: CASE#:



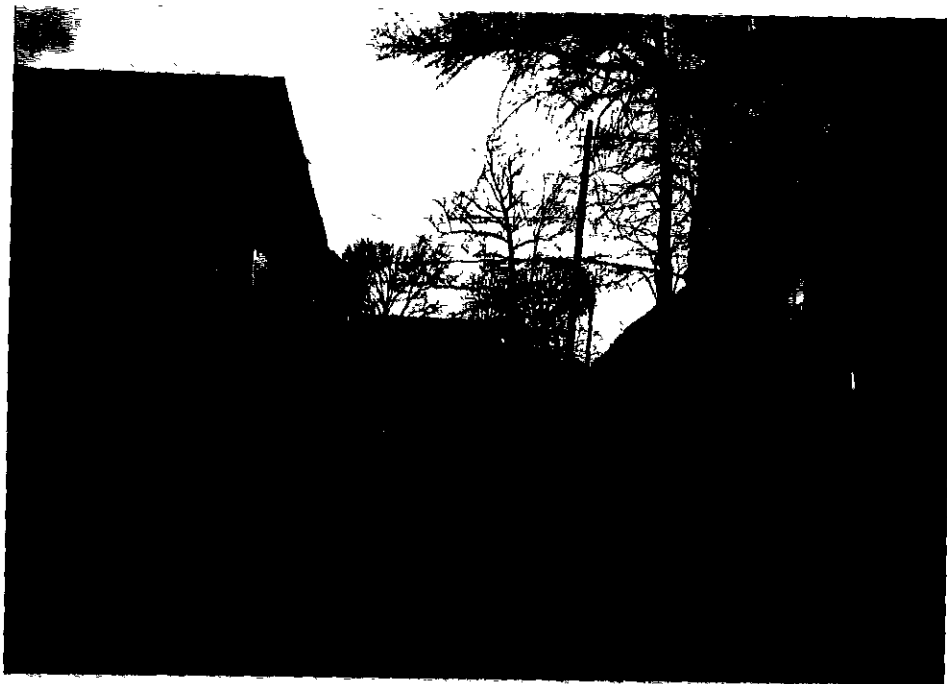
North

Date: 3/12/07

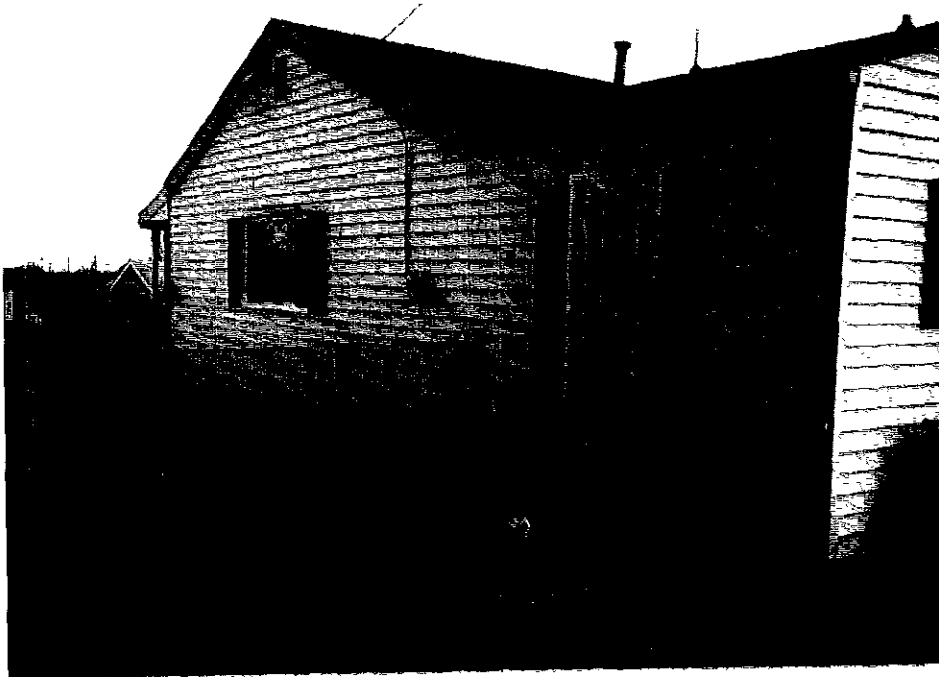
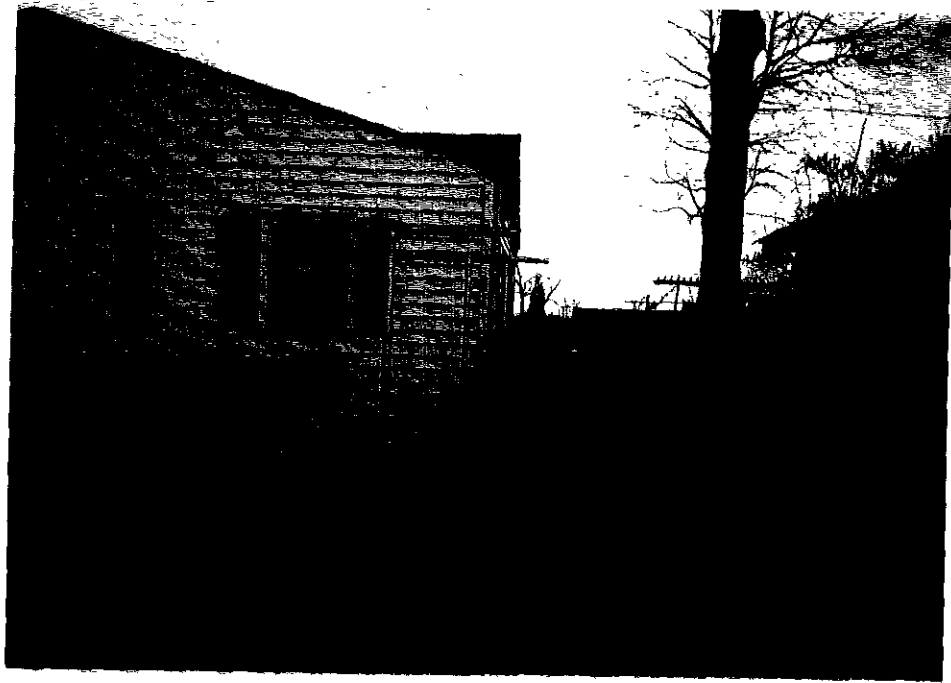
prepared by:













## ZONING DESCRIPTION

### ZONING DESCRIPTION FOR 40 LEFT WING DRIVE.

Beginning at a point on the north side of Left Wing Drive which is 50 feet wide at the distance of 183 feet west of the centerline of the nearest improved intersecting street, Left Aileron, which is 50 feet wide. Being Lot # 228, Section I, in the subdivision of Aero Acres as recorded in Baltimore County Plat Book # 13, Folio # 139, containing 5000 square feet. Also known as 40 Left Wing Drive and located in the 15<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.

(288)

400

BALTIMORE COUNTY, MARYLAND  
FFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

028774

DATE 3-20-97 ACCOUNT 2001-6150

AMOUNT \$ 50.00

RECEIVED FROM: K. TUCKER 40 Leftwing Dr.

FOR: AD. VAE (010)

FOR: \$50.00

03A91W0203MICHRC  
BA 0003:3BPM03-20-97

VALIDATION OR SIGNATURE OF CASHIER

*July*

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER







I-NW I-NE



PHOTOGRAPHIC MAP OF  
BALTIMORE COUNTY METROPOLITAN AREA

DATE OF PHOTOGRAPHY DEC. 1951	SCALE 1" = 200'	LOCATION MIDDLE RIVER	SHEET N.E. 4-H
REVISIONS			
BY	DATE		
1	1/1/54		

Photography furnished by Photogrammetric Unit, U.S. Army Corps of Engineers, Baltimore, Md.





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

SCALE		LOCATION	SHEET
1" = 200' ±	DATE	MIDDLE RIVER	N. E. 4-H
	OF PHOTOGRAPHY JANUARY 1966		

407